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SUBJECT: ARGENTINA SEEKS U.S. SUPPORT FOR AMBITIOUS JUDICIAL REFORM
PLAN

1. (U) SUMMARY: Ambassador Wayne met with Argentine Supreme Court President Dr. Ricardo Lorenzetti on November 15 to discuss Lorenzetti's October trip to Washington, learn more about Lorenzetti's proposed national judicial management reform plan, and identify areas for enhanced cooperation on deepening Argentina's judicial reforms. Lorenzetti's plan, which draws heavily on input from the Administrative Office of US Courts and US-based Federal Judicial Center, is an attempt to dramatically improve the efficiency and professionalism of the federal judiciary. The Ambassador and Lorenzetti discussed ways that the Embassy can continue supporting their efforts including through increased exchange visits, video conferences, training, and continued assistance from the Embassy Information Resource Center. Lorenzetti also highlighted the importance of current inputs from the Embassy's Public Affairs Section for the current work of the reform commission. Finally, Lorenzetti discussed Argentina's plans to host the Conference of Supreme Courts of the Americas by July 2009. He expressed concern on the state of protection of rights in Bolivia and Venezuela, and indicated that the 2009 conference would focus on the importance of rule of law and the protection of civil rights in the Americas. END SUMMARY.

2. (U) Ambassador met with Argentine Supreme Court President Dr. Ricardo Lorenzetti November 15 to discuss his October 1-5 meetings in Washington with several U.S. Supreme Court Justices, the Federal Judicial Center, the American Law Institute, and professors at the law schools of Georgetown University and the University of Maryland. His trip energized him -- he said it demonstrated the importance of deepening Argentine cooperation with the United States on judicial matters. He explained that the similarities between the U.S. and Argentine constitutional structures and federal systems made his trip to the U.S. especially relevant. He called the American judicial system in general, and former President and Supreme Court Justice Taft in particular, judicial reform models that he wanted to implement in Argentina.

3. (U) Lorenzetti explained that he has been urging the GOA to improve the institutional functioning of the judiciary since he took office as President of the Supreme Court in 2007. Improving the functioning of the court system is vital to increasing public trust and confidence in the judiciary and bringing the people and the courts closer together. However, he emphasized, reforms must come from within the judiciary and not be imposed by politicians. Lorenzetti did not expect the incoming Cristina Fernandez de Kirchner administration, including the recently announced appointment of Anibal Fernandez as Justice Minister, to significantly affect his reform plans.

Argentine National Judicial Management Reform Plan

4. (SBU) Lorenzetti told the Ambassador he has established a

commission to develop a National Judicial Management Reform Plan focused on investing in training and technology to be rolled out by February 2008. He explained that the Commission has begun drafting operation manuals which will be used as the basis for developing corresponding training programs. The manuals will define the roles and responsibilities for each judiciary division, establish clear standards for each type of judicial action, and stipulate remedial actions to address judicial errors or delays. Lorenzetti stated that these manuals will be partially based on the U.S. judicial system operations manuals he received on his trip from the Federal Judicial Center. Once the plan has been announced, the Appellate and District Courts of each judicial division will then implement the plan. Lorenzetti has also proposed establishing a consultative group that would be institutionalized as a commission to oversee the training of federal judicial staff. Lorenzetti hopes to eventually require court officials to take continuing education courses, and ensure that such training returns tangible benefits to the institution beyond serving as a judicial perk.

15. (U) Lorenzetti also hopes to improve the technical capacity of the judicial system, given that the court currently has limited access to basic information technology to efficiently manage its caseload and to improve its productivity. Lorenzetti told the Ambassador that the GoA has agreed to finance significant investments in this area for the federal court system. According to Lorenzetti, while the GoA turned down an offer for financing for these technology investments from the Inter-American Development Bank since they had their own funds for this project, the IDB will provide technical assistance in the form of advisers to help with the project. Lorenzetti acknowledged the current technical assistance provided by the Embassy, which includes the provision of direct technical advice to the Argentine Supreme Courts' research team in the Office of Comparative Law. Post also provided direct access to the Embassy's virtual collection of US legal resources.

BUENOS AIR 00002240 002 OF 002

The Ambassador assured Lorenzetti that the Embassy, through its Public Affairs Section and Information Resource Center, will continue these efforts and explore ways to provide additional support to advance judicial reform in Argentina. Post is developing a plan for directly supporting their reform efforts. The plan will focus on supporting the development of the operation manuals and support for training of judicial officials especially through distance learning opportunities.

Judicial Restatements

16. (U) Lorenzetti outlined his plan to create an Argentine version of the American Law Institute's (ALI's) publications of "judicial restatements", authoritative legal scholarship on key legal issues. Lorenzetti felt it is important for the project to be financed and run independently from the judiciary. He wanted to help establish a foundation that would convoke judges and outside legal experts, but he was concerned about who would fund the project. Ambassador suggested that a few of the larger Argentine business foundations might be willing to underwrite this project to promote transparency and legal predictability.

Conference of Supreme Courts of the Americas

17. (SBU) Ambassador and Lorenzetti also discussed Argentina's intention to host the Conference of Supreme Courts of the Americas in July 2009. Lorenzetti said that U.S. Chief Justice John Roberts had agreed to attend, but has yet to confirm the dates that he is available. Lorenzetti hopes to focus the conference on the Rule of Law and the state of protection of legal rights in the Americas. He expressed his personal concern on threats to fundamental liberties in Bolivia and Venezuela. According to Lorenzetti, the other Mercosur members want to attend the conference and support a focus on the protection of rights. Ambassador offered Embassy support for the conference, suggesting that we could work with other Embassies in the region and with USAID to finance attendance for

representatives from some of the poorer countries.

¶9. On November 20, Ambassador discussed these projects with visiting President of the American Bar Association William H. Neukom and Ninth Circuit Court of Appeals Judge Margaret McKeown. Both expressed support for working their constituent contacts to support Lorenzetti's efforts.

¶10. (SBU) COMMENT: Lorenzetti strikes us as an open-minded, capable, and independent public-servant with an ambitious plan for the Supreme Court. If it succeeds, the plan will modernize the Argentine judiciary and improve the rule of law in Argentina. The question remains whether he has the authority, not to mention the political support, to create an effective and independent judiciary. The current administration has shown mixed interest in supporting an independent judiciary, and there is a significant chance that the incoming administration, which features many of the same principals on legal/judicial issues, will change little. But we strongly believe Lorenzetti's agenda is worth supporting with the new government, and we intend to do so and very much look forward to Washington's support. END COMMENT.

WAYNE